REMARKS

Applicants request that the Examiner review and formally accept the drawings filed July 18, 2003.

Paragraph [0010] is amended herein to correct a typographical error.

Claims 1, 7, 8, 18, 44, 48, and 54 are amended herein. Claims 3-6, 27-43, 46, 47, 49-53, 55, and 56 are canceled herein or were canceled previously. Claims 1, 2, 7-26, 44, 45, 48, and 54 are pending upon entry of this amendment.

Claim Rejections under 35 U.S.C. § 101

Pending claims 44, 45, 48, and 54 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully disagree and assert that data signals embodied in a carrier wave are statutory subject matter. To further prosecution, however, claims 44, 45, 48, and 54 have been amended to recite a "computer-readable storage medium."

Accordingly, it is submitted that claims 44, 45, 48, and 54 are in condition for allowance and the 35 U.S.C. § 101 rejection should be withdrawn."

Claim Rejections under 35 U.S.C. § 112

Claim 18 is hereby amended to correct the antecedent basis rejection. Applicants hereby respectfully request that the Office withdraw the 35 U.S.C. § 112 rejection.

Claim Rejections under 35 U.S.C. § 102(e)

Reconsideration of the rejection of claims 1, 2, 7-26, 44, 45, 48, and 54 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2005/0203992 (Tanaka et al.) is respectfully requested.

Claims 1, 44, and 54

Amended claim 1 incorporates the features of canceled claim 6. As amended, claim 1 is directed to a method for retrieving metadata for a media file accessible via a media player, including property data associated with the media file, comprising:

determining that said media file is accessed by said media player;

> **determining whether an identification parameter is stored on said media player;**
>
> **determining whether property data is stored on said media player;**
>
> **determining whether an artist ID is a known various artists value on said media player;**
>
> submitting an identification parameter associated with said accessed media file to a server when said determining that said media file is accessed by said media player indicates that said media file is accessed by said media player;
>
> receiving from said server said property data corresponding to the accessed media file; and
>
> **caching said received property data with a collection ID** when said determining whether said identification parameter is stored on said media player indicates that said identification parameter is stored on said media player, when said determining whether said property data is stored on said media player indicates that said property data is stored on said media player, and **when said determining whether an artist ID is a known various artists value on said media player indicates that an artist ID is a known various artists value on said media player,** said determining whether said identification parameter is stored on said media player, said determining whether said property data is stored on said media player and said determining whether an artist ID is a known various artists value on said media player all occurring before said submitting.

(emphasis added). None of the references, taken individually or in combination, discloses or suggests these novel elements.

To anticipate a claim, each and every element of the claim must be found, either expressly or inherently described, in a single prior art reference. (M.P.E.P. § 2131). Tanaka et al. fails to disclose such a method comprising a combination of three queries to determine when to cache the received property data with a collection ID and when to used stored data. By adding the query element of determining whether an artist ID is a known various artists value on the media player, the method ensures that received property data, rather than the stored data, is cached when it is determined that an artist ID is a known various artists value. This method ensures that the method compensates for a data source (e.g., a CD) comprising a group of media files from different artists by retrieving the data from the server, rather than utilizing the property data stored on the media player, which may not necessarily be associated with the multiple artists.

Again, none of the references teach or suggest such a method. The Office refers to Fig. 18 of Tanaka et al. for such a teaching or suggestion, but this figure of Tanaka et

al. fails to teach these elements. Fig. 18 of Tanaka et al. is a explanatory diagram showing a typical display of a song list with multiple artists. A combination of songs by many artists is well known. Listing such a combination of songs is well known. This teaching for a song list comprising different artists is not applicable here. In contrast, what is not well known and not taught by Tanaka et al. is the **determining whether an artist ID is a known various artists value on a media player for determining whether to cache received property data.** The claimed determination is directed to addressing the unique data management issues associated with compilations of artists. A mere reference in Tanaka et al. to a group of songs by different artists cannot constitute a teaching of the present claim. Without a teaching for this claims element, Tanaka et al. cannot anticipate claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1. Claims 2 and 7-19, which depend directly or indirectly from claim 1, are submitted as patentable for the same reasons as set forth above with respect to claim 1.

Claims 44 and 54 include similar elements and are submitted as patentable for the same reasons as amended claim 1.

If the Office maintains the rejection of the present claim, Applicants request the courtesy of a phone call to the undersigned at (314) 231-5400.

Claim 20

Claim 20 is directed to a method for retrieving metadata for a media file, including property data associated with said media file, accessible via a media player comprising;

determining whether a first identification parameter associated with said media file is stored on said media player;

submitting a second identification parameter associated with said accessed media file to receive said property data from a server when said determining whether a first identification parameter associated with said media file is stored on said media player indicates said first identification parameter is not stored on said media player;

determining whether said property data is stored on said media player when said determining whether a first identification

parameter associated with said media file is stored on said media player indicates said first identification parameter is stored on said media player;

> submitting said first identification parameter associated with said accessed media file to receive said property data from a server when said determining whether said property data is stored on said media player indicates said property data is not stored on said media player;

> **determining whether an artist ID is a known various artists value on said media player when said determining whether said property data is stored on said media player indicates said property data is stored on said media player;**

>> **submitting said first identification parameter associated with said accessed media file to receive said property data from a server when said determining whether an artist ID is a known various artists value on said media player indicates said artist ID is a known various artists value; and**

>> **rendering said property data on said media player when said determining whether an artist ID is a known various artists value on said media player indicates said artist ID is not a known various artists value.**

(emphasis added). None of the references, taken individually or in combination, discloses or suggests these novel elements.

To anticipate a claim, each and every element of the claim must be found, either expressly or inherently described, in a single prior art reference. Here, the prior art fails to teach or suggest at least four of the elements of claim 20.

First, Tanaka et al. fail to teach or suggest submitting a second identification parameter associated with said accessed media file to receive said property data from a server when said determining whether a first identification parameter associated with said media file is stored on said media player indicates said first identification parameter is not stored on said media player. In essence, this claim element provides some flexibility in the process of submitting an identification parameter, allowing the submission of one or another identification parameters depending upon which identification parameter is available. If a first identification parameter, which may, for example, be the more desirable identification parameter, is not available, a second identification parameter may

be used. In this manner, there is more often an available identification parameter for use. In Tanaka et al, however, there is no such flexibility. The portion of Tanaka et al. cited by the Office (paragraph [0216]) provides no relevant teaching. This portion of Tanaka et al. names a single identification parameter, a CD identifier. There is no second identification parameter as required by claim 20. As such, Tanaka et al. cannot anticipate claim 20.

Second, Tanaka et al. fail to teach or suggest determining whether an artist ID is a known various artists value on said media player when said determining whether said property data is stored on said media player indicates said property data is stored on said media player. As discussed above with respect to claim 1, Tanaka et al. provide no teaching related to determining whether an artist ID is a known various artists value. The Office cites to Fig. 18 and paragraph [0341] as support for its anticipation rejection. As discussed above, Fig. 18 of Tanaka et al. is merely an explanatory diagram showing a typical display of a song list with multiple artists, and such a combination of songs by many artists is well known. Moreover, paragraph [0341] of Tanaka et al. teaches how to construct a music purchase user interface whereby particular songs are blocked from purchase if they are already owned by the user. Such a teaching is inapplicable to determining whether an artist ID is a known various artists value. Thus, there is no teaching or suggestion for this element, and Tanaka et al. cannot anticipate claim 20.

Third, Tanaka et al. fail to teach or suggest submitting said first identification parameter associated with said accessed media file to receive said property data from a server when said determining whether an artist ID is a known various artists value on said media player indicates said artist ID is a known various artists value. Because this submission is based upon determining whether an artist ID is a known various artists value (discussed immediately above), there can be no teaching of this element by Tanaka et al., as Tanaka et al. teach nothing related to determining whether an artist ID is a known various artists value. The Office's reference again to Fig. 18 is not helpful. Thus, there is no teaching or suggestion for this element, and Tanaka et al. cannot anticipate claim 20.

Fourth, Tanaka et al. fail to teach or suggest rendering said property data on said media player when said determining whether an artist ID is a known various artists value

on said media player indicates said artist ID is not a known various artists value. Because this submission is based upon determining whether an artist ID is a known various artists value, there can be no teaching of this element by Tanaka et al., as Tanaka et al. teach nothing related to determining whether an artist ID is a known various artists value. Again, the Office's reference again to Fig. 18 is not helpful. Moreover the additional reference to paragraph [0345] of Tanaka et al., which pertains to prohibiting download of music content that the user already has stored to a hard drive, does not anticipate this element. Thus, there is no teaching or suggestion for this element, and Tanaka et al. cannot anticipate claim 20.

In view of the foregoing failure to teach or suggest four distinct elements of claim 20, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 20. Claims 21-26, which depend directly or indirectly from claim 20, are submitted as patentable for the same reasons as set forth above with respect to claim 20.

If the Office maintains the rejection of the present claim, Applicants request the courtesy of a phone call to the undersigned at (314) 231-5400.

CONCLUSION

In view of the foregoing, favorable reconsideration and allowance of this application is requested.

Applicants have reviewed the cited but unapplied references and have found them to be no more pertinent than the art discussed above.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims not in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

Applicants do not believe that a fee is due. But if the Commissioner determines otherwise, he is authorized to charge Deposit Account No. 19-1345.

Respectfully submitted,

Brian P. Klein, Reg. No. 44,837
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400